

LEGAL NOTICE

**ATTENTION
PURCHASERS OF FOODS AND HOUSEHOLD PRODUCTS
CONTAINING SORBATES**

If you are an Illinois resident and purchased products containing sorbic acid, potassium sorbate, sodium sorbate or calcium sorbate (collectively "Sorbates") from January 1, 1979 to December 31, 1997 (the "Class Period"), please read this notice carefully. Your legal rights may be affected.

The Attorney General of the State of Illinois filed a lawsuit against several Sorbate producers (the "Defendants"). Sorbates are ingredients used as preservatives in certain food and household products. The lawsuit alleges that the Defendants conspired to fix the prices of Sorbates. This may have affected the prices at which products containing Sorbates were sold to consumers during the Class Period. No trial has been held on the merits of the State's allegations and the Defendants deny them. After extensive negotiations, the parties have agreed to a proposed settlement (the "Agreement") to avoid long and costly litigation.

Under the proposed settlement, the Defendants have agreed to pay the State \$1.61 million for claimed damages. This money will be used to create the Settlement Fund (the "Fund"). This payment will be made within 30 days after the Court has issued a Preliminary Approval Order. Costs and Attorney's fees will be paid to the State from the Fund.

Given the difficulty in identifying the millions of consumers who purchased Sorbates indirectly from the Defendants, the potential differences in amount of damages suffered by each purchaser, and the potential that the cost of distributing the Fund to the consumers could be greater than the award to the individual consumers, the State proposes to distribute the settlement to non-profit corporations, charitable organizations, or government entities to advance health and fitness or nutrition-related causes, so as to benefit purchasers of Sorbates covered by the lawsuit.

The Agreement is subject to review and approval of the Illinois Circuit Court of Cook County. If the Court finds the proposed settlement fair, adequate and reasonable, and once all appeals have been resolved or all appeal periods have expired, individuals who have not timely requested exclusion from the settlement shall be deemed to have fully released all relevant claims.

This description is only a summary of the proposed settlement. The full terms are set forth in the Agreement. The Agreement and other relevant documents may be inspected at: http://www.illinoisattorneygeneral.gov/consumers/antitrust_settlements.html.

If you purchased Sorbates indirectly from the Defendants during the Class Period, and you do not wish to be legally bound by the settlement, you must expressly exclude yourself from the settlement by no later than

October 18, 2004. To exercise this right, or for more information, write to the Illinois Attorney General's Office, at the address below.

The Court will hold a Fairness Hearing on **January 13, 2005** at 10:30 a.m., in Courtroom 2301, Illinois Circuit Court of Cook County, Richard J. Daley Center, 50 W. Washington, Chicago, IL to determine whether to finally approve the proposed settlement. Any resident of Illinois who has not requested exclusion may appear at the Fairness Hearing to explain why the proposed settlement should or should not be approved. To be heard, you must let the Court know on or before **December 15, 2004**, by filing a Notice of Intent to Appear. Copies of any papers supporting your position must be sent by hand delivery or first-class mail to the individuals listed below. Residents of Illinois who approve of the proposed settlement need not appear or take any other action.

Blake L. Harrop
Assistant Attorney General
Antitrust Bureau
Office of the Attorney General of Illinois
100 West Randolph St.
13th Floor
Chicago, IL 60601
Counsel for the State of Illinois

Arthur Hahn
Katten Muchin Zavis Rosenman
525 West Monroe St.
Suite 1600
Chicago, IL 60661-3693
Liaison Counsel for Defendants

Sheldon Solow
Kaye Scholer, LLP
3 First National Plaza
Suite 4100
70 West Madison St.
Chicago, IL 60602-4231
Counsel for Certain Defendants

Sanford M. Pastroff
Sonnenschein Nath & Rosenthal, LLP
8000 Sears Tower
233 S. Wacker Dr.
Chicago, IL 60606
Counsel for Ueno Fine Chemicals Industry, Ltd.

By Order of the Court
The Honorable Sophia H. Hall
Date: June 3, 2004

http://www.illinoisattorneygeneral.gov/consumers/antitrust_settlements.html